

Amendments to the Claims

Please cancel claims 20 and 36 without prejudice.

Please add new claims 55-59.

Please amend pending claims 11-13, 16, 19, 21, 23, 25, 27, 39, 40, 44, 46, 47, and 50, as well as withdrawn claims 29, 42, and 48, as follows.

This listing of claims replaces all prior versions and listings of claims in the application.

Listing of Claims

1-10. (Cancelled)

11. (Currently Amended) A cDNA molecule which is at least 85% identical to a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1, wherein said polynucleotide is expressed at a higher level in metastatic breast cancer tissue relative to non-metastatic breast cancer tissue .
12. (Currently Amended) The cDNA molecule of claim 11 which is at least 95% identical to a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1.
13. (Currently Amended) A cDNA molecule which encodes at least ~~[[8]]~~ 500 contiguous amino acids of a protein encoded by a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1.
- 14-15. (Cancelled)
16. (Currently Amended) A cDNA molecule comprising a polynucleotide selected from the group consisting of:
 - (a) at least ~~[[20]]~~ 1450 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1;
 - (b) at least ~~[[30]]~~ 1500 contiguous nucleotides of ~~a nucleotide sequence selected~~

~~from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO: 1;

(c) at least ~~[[50]] 1550~~ contiguous nucleotides of a nucleotide sequence selected ~~from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO: 1; and

(d) at least ~~[[75]] 1600~~ contiguous nucleotides of a nucleotide sequence selected ~~from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO: 1.

17. (Cancelled)

18. (Previously Presented) The cDNA molecule of claim 11 which is at least 85% identical to the nucleotide sequence shown in SEQ ID NO: 1.

19. (Currently Amended) An isolated and purified ~~subgenomic~~ polynucleotide comprising a nucleotide segment selected from the group consisting of:

(a) a segment of at least ~~[[30]] 1450~~ contiguous nucleotides which hybridizes under stringent conditions to a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1 and 11~~ of SEQ ID NO: 1; and

(b) a segment of at least ~~[[50]] 1500~~ contiguous nucleotides which hybridizes under stringent conditions to a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1 and 11~~ of SEQ ID NO: 1,

wherein said ~~subgenomic~~ polynucleotide is expressed at a higher level in metastatic breast cancer tissue relative to non-metastatic breast cancer tissue, wherein said stringent conditions are selected from the group consisting of 4X SSC at 65°C; 50% formamide, 4X SSC at 42°C; or 0.5X SSC, 0.1% SDS at 65°C.

20. (Cancelled)

21. (Currently Amended) A construct comprising:

a promoter; and

a polynucleotide segment comprising a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1 and 11~~ of SEQ ID NO: 1, wherein the polynucleotide segment is located downstream from the promoter, wherein transcription of the polynucleotide segment initiates at the promoter.

22. (Cancelled)
23. (Currently Amended) A host cell comprising a construct which comprises:
a promoter and:
a polynucleotide segment comprising a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1 and 11~~ of SEQ ID NO:1.
24. (Cancelled)
25. (Currently Amended) A recombinant host cell comprising a transcription initiation unit, wherein the transcription initiation unit comprises in 5' to 3' order:
(a) an exogenous regulatory sequence;
(b) an exogenous exon; and
(c) a splice donor site,
wherein the transcription initiation unit is located upstream of a coding sequence ~~of a gene of SEQ ID NO:1, wherein the coding sequence comprises a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11,~~ wherein the exogenous regulatory sequence controls transcription of the coding sequence ~~of the gene.~~
26. (Cancelled)
27. (Currently Amended) A polynucleotide probe comprising ~~a detectable label and a~~ polynucleotide selected from the group consisting of:
(a) at least ~~[[20]]~~ 1450 contiguous nucleotides ~~selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1;
(b) at least ~~[[30]]~~ 1500 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1;
(c) at least ~~[[50]]~~ 1550 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1; and
(d) at least ~~[[75]]~~ 1600 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1;
said polynucleotide probe further comprising a detectable label.

28. (Cancelled)
29. (Withdrawn – Currently Amended) A method for identifying a metastatic tissue or metastatic potential of a tissue, comprising the step of:
measuring in a tissue sample an expression product of a gene comprising a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1, wherein a tissue sample which expresses a product of a gene comprising a nucleotide sequence ~~selected from the group consisting of SEQ ID NOS: 1, and 11~~ SEQ ID NO:1 is identified as metastatic or as having metastatic potential.
30. (Withdrawn) The method of claim 29 wherein the tissue sample is selected from the group consisting of breast and colon tissue.
31. (Cancelled)
32. (Withdrawn) The method of claim 29 wherein the expression product is mRNA.
- 33-38. (Cancelled)
39. (Currently Amended) A polynucleotide array comprising at least one single-stranded polynucleotide selected from the group consisting of:
(a) at least ~~[[20]]~~ 1450 contiguous nucleotides ~~selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1;
(b) at least ~~[[30]]~~ 1500 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1;
(c) at least ~~[[50]]~~ 1550 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1; and
(d) at least ~~[[75]]~~ 1600 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS:1 and 11~~ SEQ ID NO:1.

40. (Currently Amended) The polynucleotide array of claim 39 wherein the polynucleotide comprises ~~[[a]] the sequence selected from the group consisting of SEQ ID NOS: 1, and~~ 11 SEQ ID NO:1.
41. (Cancelled)
42. (Withdrawn – Currently Amended) A method of identifying a metastatic tissue or metastatic potential of a tissue, comprising the steps of:
 contacting a tissue sample comprising single-stranded polynucleotide molecules with a polynucleotide array comprising at least one single-stranded polynucleotide probe, wherein the at least one single-stranded polynucleotide probe comprises at least 12 contiguous nucleotides of ~~a nucleotide sequence selected from the group consisting of~~ SEQ ID NOS: 1 and 11 SEQ ID NO:1, wherein the tissue sample is suspected of being metastatic or of having metastatic potential;
 detecting double-stranded polynucleotides bound to the polynucleotide array, wherein detection of a double-stranded polynucleotide comprising contiguous nucleotides ~~selected from the group consisting of~~ SEQ ID NOS: 1 and 11 SEQ ID NO:1 identifies the tissue sample as metastatic or of having metastatic potential.
43. (Withdrawn) The method of claim 42 wherein the tissue sample is a breast or colon sample.
44. (Currently Amended) The cDNA molecule of claim 13 which encodes at least ~~[[12]] 550~~ contiguous amino acids of a protein encoded by a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of~~ SEQ ID NOS: 1 and 11 SEQ ID NO:1.
45. (Previously Presented) The cDNA molecule of claim 16 wherein the polynucleotide is expressed at a higher level in metastatic breast cancer tissue relative to non-metastatic breast cancer tissue.

46. (Currently Amended) The cDNA molecule of claim 13 which encodes at least ~~[[12]]~~ 600 contiguous amino acids of a protein encoded by a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1.
47. (Currently Amended) The cDNA molecule of claim 11 which is at least 90% identical to a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1.
48. (Withdrawn – Previously Presented) A polypeptide encoded by the cDNA molecule of any one of claim 11, 12 or 16.
49. (Withdrawn – Currently Amended) The polypeptide of claim 48 encoded by a polynucleotide comprising ~~a nucleotide sequence selected from the group consisting of SEQ ID NOS: 1 and 11~~ SEQ ID NO:1.
50. (Currently Amended) A method of making a recombinant vector comprising inserting a cDNA molecule of claim ~~[[1]]~~ 11 into a vector in operable linkage to a promoter.
51. (Previously Presented) A recombinant vector produced according to the method of claim 50.
52. (Previously Presented) A method of making a recombinant host cell comprising introducing the recombinant vector of claim 51 into a host cell.
53. (Previously Presented) A recombinant host cell produced according to the method of claim 52.
54. (Previously Presented) A method of producing a polypeptide comprising culturing the recombinant host cell of claim 53 under conditions such that the polypeptide is expressed, and recovering said polypeptide.
55. (New) An isolated nucleic acid molecule which is at least 85% identical to a polynucleotide comprising SEQ ID NO:1, wherein said polynucleotide is expressed at a

higher level in metastatic breast cancer tissue relative to non-metastatic breast cancer tissue.

56. (New) The isolated nucleic acid molecule of claim 55 which is at least 90% identical to a polynucleotide comprising SEQ ID NO:1.
57. (New) The isolated nucleic acid molecule of claim 55 which is at least 95% identical to a polynucleotide comprising SEQ ID NO:1.
58. (New) The isolated nucleic acid molecule of claim 55 which is at least 99% identical to a polynucleotide comprising SEQ ID NO:1.
59. (New) The isolated nucleic acid molecule of claim 55 which is SEQ ID NO:1.